1 KENNETH B. WILSON, State Bar No. 130009
   JENNIFER S. SIM, State Bar No. 199601
2 ALISON C. PAULY, State Bar No. 212594
   PERKINS COIE LLP
3 180 Townsend Street, 3rd Floor
   San Francisco, California 94107-1909
4 Telephone: (415) 344-7000
   Facsimile: (415) 344-7050
5
   Attorneys for Defendant DigitalThink, Inc.
6
7
                    UNITED STATES DISTRICT COURT
8
                  NORTHERN DISTRICT OF CALIFORNIA
9
                      SAN FRANCISCO DIVISION
10
11 IP LEARN, LLC, a California Limited Liability
    Company,   CASE NO. C02 04114 PJH
12
                   Plaintiff,
13
         v.   PRELIMINARY INVALIDITY
14   CONTENTIONS OF DIGITALTHINK,
    DIGITALTHINK, INC., et al.,   INC.
15
                   Defendants.
16
17 AND RELATED COUNTERCLAIMS.
18
19   Pursuant to Patent Local Rules 3-3 and 3-4, defendant and counterclaimant DigitalThink,

20 Inc. ("DigitalThink") submits the following Preliminary Invalidity Contentions ("Contentions") to

21 plaintiff and counterdefendant IP Learn, LLC ("IP Learn") with respect to U.S. Patent No.

22 5,779,486 (the "'486 Patent"), U.S. Patent No. 5,934,909 (the "'909 Patent"), U.S. Patent No.

23 6,118,973 (the "'973 Patent"), U.S. Patent No. 6,126,448 (the "'448 Patent"), and U.S. Patent No.

24 6,398,556 B1 (the "'556 Patent").

25   The following Contentions are based upon information and writings presently available to

26 and located by DigitalThink and its attorneys. DigitalThink has not completed its investigation of

27 the facts relating to this case, has not completed discovery in this action, and has not completed

28

PRELIMINARY INVALIDITY CONTENTIONS
CASE NO. C02 04114 PJH   [39996-0001/BY030720.080]

preparation for trial. The Contentions given herein are without prejudice to DigitalThink's right to supplement or amend these Contentions based on further investigation, discovery, and evaluation of the scope and content of the prior art, and based on any changes in IP Learn's claims and contentions. Without limiting the generality of the foregoing, DigitalThink reserves the right to amend or modify these Contentions as permitted by Patent Local Rules 3-6 and 3-7.

Whether a particular claim element is disclosed in the prior art may depend on the construction of claim terms. Accordingly, DigitalThink reserves the right to specify further bases of invalidity following the Court's construction of the claims.

These Contentions are made in response to IP Learn's January 30, 2003, Disclosure of Asserted Claims and Preliminary Infringement Contentions and Documents Pursuant to Patent Local Rules 3-1 and 3-2 (the "IP Learn Disclosure"). As indicated in the IP Learn Disclosure, the "asserted claims" are as follows:

    (a)   Claims 1, 2, 13-18, 36-49, and 54 of the '486 Patent;

    (b)   Claims 1, 2, 4, 5, 8, 11-15, 21-26, and 29 of the '909 Patent;

    (c)   Claims 1, 2, 4, 9-14, 16, 18-20, and 23-25 of the '973 Patent;

    (d)   Claims 1-7, 10, 11, 14-17, 19-21, 23, 24, 32, 35-39, 41, 42, and 44 of the '448 Patent; and

    (e)   Claims 1-3, 5, 7, 8, 10, 11, 14, 22, 23, 25-28, 53-61, 63-75, 77-80, and 82-85 of the '556 Patent.

I. DISCLOSURE REQUIRED BY PATENT LOCAL RULE 3-3(a): DISCLOSURE OF PRIOR ART

DigitalThink contends that the asserted claims of the '486, '909, '973, '448, and '556 Patents may be anticipated or made obvious by the prior art set forth below:

Document No.	Reference	Publication/Issue Date	Inventor/Author
1	USP 5,416,694	May 16, 1995	Parrish et al.
2	USP 5,592,375	Jan. 7, 1997	Salmon et al.
3	USP 5,799,292	Aug. 25, 1998	Hekmatpour

- 2 -

4	USP 5,823,781	Oct. 20, 1998	Hitchcock et al.
5	USP 5,832,497	Nov. 3, 1998	Taylor
6	USP 5,978,768	Nov. 2, 1999	McGovern et al.
7	USP 5,999,908	Dec. 7, 1999	Abelow
8	USP 6,157,808	Dec. 5, 2000	Hollingsworth
9	"Control Data PLATO Author Language Reference Manual"	April 1978	Control Data Corporation
10	"Control Data PLATO System Overview"	1976	Control Data Corporation
11	"Control Data PLATO"	N/A	Control Data Corporation
12	"Control Data PLATO CMI Author's Guide"	1978	Control Data Corporation
13	"Industry Education Computer Based Training Strategy"	February 1988	Arthur Andersen & Co.
14	"CBT Systems 1992 - The Training Resource"	1992	CBT Systems
15	"CBT Systems 1993 - The Training Resource"	1993	CBT Systems
16	"CBT WINTRACS"	1994	CBT Systems
17	"How to Use the CBT TRACS System -- Administrator's Guide"	1994	CBT Systems
18	"CBT Systems Spring 1995 - The Training Resource"	Spring 1995	CBT Systems
19	"WINTRACS"	September 1997	CBT Systems
20	"SuccessMaker Reports Guide"	1993	Computer Curriculum Corporation

- 3 -

21	"SuccessMaker Reports Quick Reference Guide"	1993	Computer Curriculum Corporation
22	"SuccessMaker Instructional Management Handbook"	1993	Computer Curriculum Corporation
23	"SuccessMaker Math Concepts and Skills: Teacher's Handbook"	1993	Computer Curriculum Corporation
24	"SkillView: Engineering a More Productive WorkForce"	N/A	SkillView Technologies
25	USP 5,692,906	Dec. 2, 1997	Corder
26	"A Computerized Model for Placement and Diagnostic Testing in College Remedial Mathematics"	1980	Hirmanpour
27	"CMI Guidelines for Interoperability, Rev. 1.5"	Jan. 26, 1996	AICC
28	"CMI Guidelines for Interoperability, Rev. 2.0"	Feb. 1, 1998	AICC
29	"Designing a Tool Supporting the Development of ITS in Different Domains: The DOCET Experience"	1993	Bonarini and Filippi
30	"Performance Support Systems: Integrating AI, Hypermedia, and CBT to Enhance User Performance"	1994	McGraw
31	"The CCC Instructional System"	July 1990	Computer Curriculum Corporation
32	"Teacher's Handbook for English as a Second	1984	Computer Curriculum Corporation

- 4 -

	Language"		
33	"Teacher's Handbook for Initial Reading"	1988	Computer Curriculum Corporation
33	USP 5,441,415	Aug. 15, 1995	Lee, et al.
34	"Algorithms for Student Assessment"	1991	Venezky and Osin
35	"A New Direction for Developmental Education Using Technology"	1994	Anandam
36	"Computer Managed Instruction at Arthur Andersen & Company"	March 1992	Dennis and Gruner
37	"Computer Assisted Diagnostic Prescriptive Program in Reading and Mathematics"	1986	Roberson and Glowinski
38	"The New Component Design Theory: Instructional Design for Courseware Authoring"	1987	Merrill
39	"The Use of Pre-Test and Post-Test in Call: A Case Study"	1994	Blin and Wilson
40	"Intelligent Tutoring Systems -- The Current State of the Art"	March 1990	Mizoguchi
41	"Educational Software"	January 1994	Educational Software Institute
42	"An Approach to Developing Intelligent Tutors in Mathematics"	1993	Nwana
43	"Toward the Design of an Intelligent Courseware Production System Using Software Engineering and Instructional Design	1990-91	Chen and Chen

		Principles"		
	44	"Basic Skills Program Helps Trainees Pass Vocational Tests"	March 1996	Scholastic, Inc.
	45	"Improving the Selection, Classification, and Utilization of Army Enlisted Personnel: Annual Report Synopsis"	1984	Human Resources Research Organization
	46	"A New Direction for Developmental Education Using Technology"	April 1994	Anandam
	47	"Knowledge Management Case Study"	1997	Davenport
	48	"CBTCampus Tour Preview"	1997	CBT Systems

DigitalThink is informed and believes that References 9-23, 27-33, 36-37, 40-41, 44-48 above relate to products that were sold, offered for sale, publicly used or known more than one year prior to the date of U.S. Patent Application No. 08/618,193 (the '486 Patent application) and/or U.S. Patent Application No. 09/110,569 (the '448 Patent application).

II. DISCLOSURE REQUIRED BY PATENT LOCAL RULE 3-3(b): WHETHER THE PRIOR ART ANTICIPATES OR RENDERS OBVIOUS THE ASSERTED CLAIMS

As required by Patent Local Rule 3-3(b), DigitalThink states whether each reference anticipates or renders obvious the asserted claims, and identifies combinations of prior art references that render the claims obvious.

A. Anticipation Pursuant to 35 U.S.C. § 102

1. The '486 Patent

(a) References 9-12 anticipate claims 1 and 2 of the '486 Patent.

(b) Reference 13 anticipates claims 1 and 2 of the '486 Patent.

(c) References 20-23 anticipate claims 1, 2, 13, 14, 15, 16, 17, 19, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, and 54 of the '486 Patent.

- 6 -

1   (d)   Reference 26 anticipates claims 1, 2, 13, 14, 15, 16, 17, 36, 37, 38, 39, 40, 41, 42,

2 43, 44, 45, 46, 47, and 54 of the '486 Patent.

3   (e)   References 27-28 anticipate claims 1, 2, 13, 14, 15, 16, 17, 36, 37, 38, 39, 40, 41,

4 42, 43, 44, 45, 47, and 54 of the '486 Patent.

5   (f)   Reference 29 anticipates claims 1, 2, 13, 14, 15, 36, 37, 38, 39, 40, 41, 42, 43, 44,

6 and 54 of the '486 Patent.

7   **2.   The '909 Patent**

8   (a)   References 9-12 anticipate claims 1, 2, 4, 12, and 13 of the '909 Patent.

9   (b)   Reference 13 anticipates claims 1, 2, 4, 12, and 13 of the '909 Patent.

10   (c)   References 20-23 anticipate claims 1, 2, 4, 5, 8, 11, 12, 13, 21, 22, 23, 24, 25, 26,

11 27, and 29 of the '909 Patent.

12   (d)   Reference 26 anticipates claims 1, 2, 4, 5, 8, 11, 12, 13, 14, 15, 21, 22, 23, 24, 25,

13 26, and 29 of the '909 Patent.

14   (e)   References 27-28 anticipate claims 1, 2, 4, 5, 8, 11, 12, 13, 15, 21, 22, 23, 24, 25,

15 26, and 29 of the '909 Patent.

16   (f)   Reference 29 anticipates claims 1, 2, 4, 8, 11, 15, 21, 22, 23, and 24 of the '909

17 Patent.

18   **3.   The '973 Patent**

19   (a)   References 9-12 anticipate claims 1, 2, 11, 12, 14, and 16 of the '973 Patent.

20   (b)   Reference 13 anticipates claims 1, 2, 11, 12, 14, and 16 of the '973 Patent.

21   (c)   References 20-23 anticipate claims 1, 2, 4, 9, 10, 11, 12, 14, 15, 16, 19, 20, 21, 23,

22 24, 25, and 26 of the '973 Patent.

23   (d)   References 27-28 anticipate claims 1, 2, 4, 9, 10, 11, 12, 14, 15, 16, 18, 19, 20, 23,

24 24, and 25 of the '973 Patent.

25   (e)   Reference 29 anticipates claims 1, 2, 9, 10, 14, 16, 18, 19, 23, and 24 of the '973

26 Patent.

27

28

PRELIMINARY INVALIDITY CONTENTIONS
CASE NO. C02 04114 PJH

[39996-0001/BY030720.080]

1   **4.   The '448 Patent**

2   (a)   Reference 13 anticipates claims 1, 2, 3, 4, 5, 10, 14, 15, 16, 17, 19, 20, 21, 24, 32,

3   35, 36, 37, 38, and 39 of the '448 Patent.

4   (b)   Reference 24 anticipates claims 1, 2, 3, 4, 5, 10, 14, 15, 16, 17, 19, 20, 21, 24, 32,

5   35, 36, 37, 38, and 39 of the '448 Patent.

6   (c)   Reference 30 anticipates claims 1, 2, 3, 4, 5, 10, 11, 14, 15, 16, 17, 19, 20, 21, 23,

7   35, 36, 37, 39, 41, and 42 of the '448 Patent.

8   **5.   The '556 Patent**

9   (a)   Reference 5 anticipates claims 1, 2, 3, 5, 10, 11, 14, 23, 25, 26, 27, 28, 53, 56, 57,

10 48, 49, 64, 65, 67, 68, 72 of the '556 Patent.

11   (b)   Reference 13 anticipates claims 1, 2, 3, 5, 7, 10, 11, 14, 22, 25, 26, 27, 28 of the

12 '556 Patent.

13   (c)   References 16 and 19 anticipate claims 1, 2, 3, 5, 7, 8, 23, 25, 26, 27, 53, 56, 58, 60

14 of the '556 Patent.

15   (d)   Reference 28 anticipates claims 8, 14, and 23 of the '556 Patent.

16   (e)   References 27-28 anticipate claims 1, 2, 3, 5, 22, 25, 26, 27, 53, 54, 56, 57, 58, 59,

17 60, 61, 63, 64, 70, 73, 74, and 82 of the '556 Patent.

18   **B.   Obviousness Pursuant to 35 U.S.C. § 103**

19   **1.   The '486 Patent**

20   (a)   If any of the references set forth above as anticipating the claims of the '486 Patent

21 are found not to anticipate, they render the asserted claims of the '486 Patent obvious, either alone

22 or in combination with other prior art disclosing the elements allegedly missing from the

23 references.

24   **2.   The '909 Patent**

25   (a)   If any of the references set forth above as anticipating the claims of the '909 Patent

26 are found not to anticipate, they render the asserted claims of the '909 Patent obvious, either alone

27

28

-8-

or in combination with other prior art disclosing the elements allegedly missing from the references.

3. The '973 Patent

(a)   If any of the references set forth above as anticipating the claims of the '973 Patent are found not to anticipate, they render the asserted claims of the '973 Patent obvious, either alone or in combination with other prior art disclosing the elements allegedly missing from the references.

4. The '448 Patent

(a)   If any of the references set forth above as anticipating the claims of the '448 Patent are found not to anticipate, they render the asserted claims of the '448 Patent obvious, either alone or in combination with other prior art disclosing the elements allegedly missing from the references.

5. The '556 Patent

(a)   Reference 5, alone or in combination with Reference 7, and further in view of Reference 2, would have made claims 7 and 8 of the '556 Patent obvious. Reference 5 discloses an "Electronic Automated Information Exchange and Management System," particularly in the context of job searches and employer efforts to identify and recruit prospective employees. Reference 7 discloses a "Customer-Based Product Design Module" that is described as "making two-way learning and information delivery part of the product and service environment." (*See* Abstract.) Reference 2 discloses a "Computer-Assisted System for Interactively Brokering Goods or Services Between Buyers and Sellers" in the context of personnel searches as well as in the context of exchanging information regarding, and brokering, products and services generally. Thus, Reference 2, which describes a system useful for exchanging information in the context of both job and product markets, motivates the combination of Reference 5, which focuses on a system for job markets, with Reference 7, which focuses on a system for product markets.

(b)   Reference 5, alone or in combination with Reference 13, and further in view of Reference 24, would have made claims 54, 60, 61, 73, 74, 77, 78, 79, and 80 of the '556 Patent obvious. Reference 5 discloses an "Electronic Automated Information Exchange and Management System," particularly in the context of applicant job searches and employer efforts to identify and recruit prospective employees. Reference 13 describes use of a computer training and assessment system to qualify and match personnel to appropriate jobs, particularly in the context of current employees and in-house jobs. Reference 24 describes a computer training and assessment system to qualify and match personnel to appropriate jobs in the context of both current employees and in-house jobs and in the context of recruiting outside candidates for job openings. Thus, Reference 24, which describes a training and assessment system for use in both external and internal job-personnel matching, motivates the combination of Reference 5, which focuses on external job-personnel matching, with Reference 13, which describes internal job-personnel matching.

(c)   Reference 5, alone or in combination with References 7 and 13, and further in view of References 2 and 24, would have made claim 84 of the '556 Patent obvious. As discussed in subsection (a) above, Reference 2 motivates the combination of Reference 5 with Reference 7. As discussed in subsection (b) above, Reference 24 motivates the combination of Reference 5 with Reference 13. Thus, in view of References 2 and 24, the combination of Reference 5 with References 7 and 13 is also motivated.

(d)   Reference 13, alone or in combination with Reference 5, would have made claims 8, 23, 53, 54, 56, 57, 58, 59, 60, 61, 64, 65, 67, 68, 72, 73, 74, 77, 78, and 79 of the '556 Patent obvious. As discussed in subsection (b) above, Reference 24 motivates the combination of Reference 13 with Reference 5. Moreover, with regard to use of a Web server, Reference 13 describes, in the context of a computer training and assessment system to qualify and match personnel to appropriate jobs, the need for remote access. Thus, Reference 13 itself motivates the combination with Reference 5, which teaches the

PRELIMINARY INVALIDITY CONTENTIONS
CASE NO. C02 04114 PJH

[39996-0001/BY030720.080]

use of a Web server in the context of a system for automated information exchange for matching prospective personnel to appropriate jobs.

(e)   If any of the references set forth above as anticipating the claims of the '556 Patent are found not to anticipate, they render the asserted claims of the '556 Patent obvious, either alone or in combination with other prior art disclosing the elements allegedly missing from the references.

III.   PATENT LOCAL RULE 3-3(c): INVALIDITY CHARTS

Attached hereto as Tables 1-3 are charts identifying where each element of the asserted claims is found in the prior art. These charts are provided for illustrative purposes and may not set forth every place in every reference where a claim element is disclosed. Where elements are disclosed at multiple locations within a single item of prior art, DigitalThink has not necessarily identified every iteration of every disclosure.

IV.   PATENT LOCAL RULE 3-3(d): INVALIDITY BASED ON INDEFINITENESS, WRITTEN DESCRIPTION, OR ENABLEMENT

Claim 65 of the '556 Patent is invalid under the written description requirement of 35 U.S.C. § 112 (¶ 1). Claim 65 recites a computer-aided learning method "wherein at least a portion of the materials to learn is modified as the objective of the institute user changes." The concept of having learning materials change as the institute user's objective changes was added to the claims during prosecution, but it is not supported by the specification of the patent. The examples disclosed in the specification are insufficient to put one on notice that the inventors of the '556 Patent were in possession of a method in which the learning materials change in accordance with the institute user's objective. As a result, claim 65 is invalid for lack of an adequate written description.

Likewise, claim 72 of the '556 Patent is invalid under 35 U.S.C. § 112 (¶ 1) for lack of an adequate written description. Claim 72 recites a "computer-aided learning methos [sic]" wherein "at least a portion of the materials to learn is modularized as learning objects." The phrase "modularized as learning objects" was added to the claims during prosecution, but it does not appear anywhere in the specification of the patent. There is nothing in the specification to put one

- 11 -

PRELIMINARY INVALIDITY CONTENTIONS
CASE NO. C02 04114 PJH

[39996-0001/BY030720.080]

on notice that the '556 Patent inventors were in possession of a method in which "materials to learn" are "modularized as learning objects."

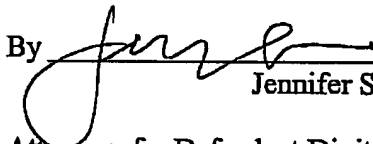## V.   DISCLOSURE REQUIRED BY PATENT LOCAL RULE 3-4

Pursuant to Patent Local Rule 3-4 (a) and (b), DigitalThink will make available for inspection and copying at the offices of their counsel at 180 Townsend Street, 3rd Floor, San Francisco, California, source code, specifications, schematics, flow charts, artwork, formulas, or other documentation sufficient to show the operation of any aspects of elements of the DigitalThink E-Learning Platform. However, confidential documents will only be made available upon entry by the Court of a suitable protective order. Copies of the items of prior art identified pursuant to Patent Local Rule 3-3 (a) which do not appear in the file histories of the patents-in-suit and which may not already have been provided to IP Learn by defendants in the other pending actions involving the patents-in-suit are provided with these Contentions (DT 001092-002447, DT 002451-002597).

DATED: March 19, 2003   PERKINS COIE LLP

By _____
                             Jennifer S. Sim

Attorneys for Defendant DigitalThink, Inc.

PRELIMINARY INVALIDITY CONTENTIONS
CASE NO. C02 04114 PJH

[39996-0001/BY030720.080]

PROOF OF SERVICE

I, Sue Daniels, declare:

I am a citizen of the United States and am employed in the County of San Francisco, State of California. I am over the age of 18 years and am not a party to the within action. My business address is 180 Townsend, 3rd Floor, San Francisco, California 94107. I am personally familiar with the business practice of Perkins Coie LLP. On March 19, 2003, I served the following document(s):

PRELIMINARY INVALIDITY CONTENTIONS OF DIGITALTHINK, INC.

by placing a true copy thereof enclosed in a sealed envelope addressed to the following parties:

Daniel S. Mount
Lara Hodgson
Mount & Stoelker
RiverPark Tower, Suite 1650
333 West San Carlos Street
San Jose, CA 95110

Brian Smith
Townsend and Townsend and Crew
2 Embarcadero, 8th Floor
San Francisco, CA 94111

_____ (By Overnight Courier) I caused each envelope, with postage fully prepaid, to be sent by _____.

_XX_ (By Mail) I caused each envelope with postage fully prepaid to be placed for collection and mailing following the ordinary business practices of Perkins Coie LLP.

_____ (By Hand) I caused each envelope to be delivered by hand to the offices listed above.

_____ (By Facsimile/Telecopy) I caused each document to be sent by Automatic Facsimile/Telecopier to the number(s) indicated above.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that this declaration was executed at San Francisco, California.

DATED: March 19, 2003.

Sue Daniels

PROOF OF SERVICE

TABLE 2

INVALIDITY CLAIM CHART: '448 PATENT

		Patent No. 6,126,448
Claim No.	**Claim**	**Prior Art**
1.	[A] A computer-aided learning method for helping a user regarding a job in a company, the method comprising the steps of: retrieving, by a computer, a job position, which identifies the one or more jobs needed to be done for the job position; and	Arthur Andersen & Co., Industry Education Computer Based Training Strategy Appendixes - Data Base Learning Model (02/88) ("Andersen") at SA 04849. U.S. Patent 6,157,808 ("Hollingsworth"), col. 2, lines 32-37, col. 5, lines 36-37, 51-54, 60-62. "SkillView: Engineering a More Productive WorkForce," by SkillView Technologies ("SkillView") at SA 04740, SA 04741, SA 04743, SA 04746. "Performance Support Systems: Integrating AI, Hypermedia, and CBT to Enhance User Performance," Journal of Artificial Intelligence in Education (1994), by Karen L. McGraw ("McGraw") at DT 001672, 001677-78, 001688-89. "Knowledge Management Case Study," by Thomas H. Davenport (1997) ("Davenport") at SA 04777-04783.

TABLE 2
INVALIDITY CLAIM CHART: '448 PATENT

Patent No.: 6,126,448

Claim No.	Claim	Prior Art
	[B] determining, by the computer, whether learning materials should be presented to the user, with the materials helping the user learn about the one or more jobs;	Andersen at SA 04828. SkillView at SA 04741, SA 04742, SA 04755. McGraw at DT 001672-73, 001677-79, 001684-86, 001688-89. "Computer Managed Instruction at Arthur Andersen & Company: A Status Report," by Verl E. Dennis and Dennis Gruner (03/92) ("Dennis") at DT 002254, 002256-57. Davenport at SA 04777-04783.
	[C] wherein: the company has a number of documents: at least some of the learning materials are from the company documents;	Andersen at SA 04830, SA 04840. SkillView at SA 04755; "Industry Education Computer Based Training Strategy" (1988), by Arthur Andersen & Co ("Andersen") at SA 04840. McGraw at DT 001675, 001677, 001679, 001681-82, 001685, 001689-90.
	[D] at least some of the documents are categorized;	See above references to Andersen regarding part [C]; Andersen at SA 04830-31. SkillView at SA 04741, SA 04755; Andersen at SA 04830, SA 04831, SA 04840. See above references to McGraw regarding part [C].

3/19/03

TABLE 2
INVALIDITY CLAIM CHART: '448 PATENT

Claim No.	Claim	Prior Art
	[E] the method further comprises the steps of:	See references to <u>Andersen</u> regarding part [B]; <u>Andersen</u> at SA 04828.
	searching at least some of the documents to extract more than one documents to be the learning materials; and	<u>SkillView</u> at SA 04741, SA 04742, SA 04744, SA 04755; <u>Andersen</u> at SA 04828.
		See references to <u>McGraw</u> regarding part [C].
	[F] organizing at least some of the extracted documents based on one or more rules to prioritize them.	<u>Andersen</u> at SA 04850, SA 04855; US Patent 5,799,292 ("Hekmatpour"), col. 2, lines 48-53.
		<u>SkillView</u> at SA 04741, SA 04742, SA 04744, SA 04755; <u>Andersen</u> at SA 04850, SA 04855.
		See references to <u>McGraw</u> regarding part [C].
2.	[A] A computer-aided learning method as recited in claim 1 wherein:	See references to <u>Andersen</u> regarding part [A] of claim 1.
	the user is the company's employee;	<u>SkillView</u> at SA 04745, SA 04746, SA 04748, SA 04749.
		See references to <u>McGraw</u> regarding part [A] of claim 1.
		<u>Dennis</u> at DT 002254, 002256-57.
		<u>Davenport</u> at SA 04777-04783.

TABLE 2
INVALIDITY CLAIM CHART: '448 PATENT

Claim No.	Claim	Prior Art
	[B] the job position is related to the user; and	See references to <u>Andersen</u> regarding part [A] of claim 1. <u>SkillView</u> at SA 04745, SA 04746, SA 04748, SA 04749. See references to <u>McGraw</u> regarding part [A] of claim 1. <u>Dennis</u> at DT 002254, 002256-57. <u>Davenport</u> at SA 04777-04783.
	[C] the materials help the user do the one or more jobs.	See references to <u>Andersen</u> regarding part [A] of claim 1. <u>SkillView</u> at SA 04745, SA 04746, SA 04748, SA 04749. See references to <u>McGraw</u> regarding part [A] of claim 1. <u>Dennis</u> at DT 002254, 002256-57. <u>Davenport</u> at SA 04777-04783.

3/19/03

TABLE 2
INVALIDITY CLAIM CHART: '448 PATENT

		Patent No. 6,126,448	
Claim No.	**Claim**		**Prior Art**
3.	A computer-aided learning method as recited in claim 1 wherein the user occupies the job position.		See references to Andersen regarding part [A] of claim 1 and part [B] of claim 2.
			See references to SkillView regarding part [B] of claim 2.
			See references to McGraw regarding part [A] of claim 1 and part [B] of claim 2.
			Dennis at DT 002254, 002256-57.
			Davenport at SA 04777-04783.
4.	A computer-aided learning method as recited in claim 1 wherein: the company has an organization chart showing a plurality of job positions; and the job position is a position in the organization chart.		Andersen at SA 04831, SA 04850; Hollingsworth, col. 3, lines 10-15.
			SkillView at SA 04746.
5.	A computer-aided learning method as recited in claim 1 wherein the job position retrieved is the job position the user is interested in.		See references to Andersen regarding part [A] of claim 1.
			See references to SkillView regarding part [B] of claim 2.
			See references to McGraw regarding part [A] of claim 1.
			Dennis at DT 002254, 002256-57.
			Davenport at SA 04777-04783.

3/19/03

TABLE 2

INVALIDITY CLAIM CHART: '448 PATENT

Patent No. 6,126,448

Claim No.	Claim	Prior Art
10.	A computer-aided learning method as recited in claim 1 wherein, if materials should be presented, the method further comprises the step of presenting, by the computer, the learning materials to the user.	See references to Andersen regarding part [A] of claim 1. See references to SkillView regarding part [B] of claim 1. See references to McGraw regarding parts [A] and [C] of claim 1; McGraw at DT 001675-77, 001690-91. Dennis at DT 002254, 002256-57. Davenport at SA 04777-04783.
11.	A computer-aided learning method as recited in claim 10 wherein the time to present depends on information about the user's availability.	See references to McGraw regarding part [A] of claim 1.
14.	A computer-aided learning method as recited in claim 1 wherein the step of determining depends on at least a need of the company.	See references to Andersen regarding part [B] of claim 1. SkillView at SA 04755; SA 04742-46, SA 04751, SA 04755. See references to McGraw regarding part [B] of claim 1. Dennis at DT 002254, 002256-57. Davenport at SA 04777-04783.

3/19/03

TABLE 2
INVALIDITY CLAIM CHART: '448 PATENT

Claim No.	Claim	Prior Art
15.	A computer-aided learning method as recited in claim 14 wherein the user is selected by the company based on at least one characteristic in the user profile.	Andersen at SA 04832, SA 04853. SkillView at SA 04745-48. See references to McGraw regarding parts and [A] and [B] of claim 1.
16.	A computer-aided learning method as recited in claim 14 wherein the step of determining depends on at least one characteristic in the profile of the user.	See references to Andersen regarding part [B] of claim 1; Andersen at SA 04828. See references to SkillView regarding part [B] of claim 1. See references to McGraw regarding part [B] of claim 1.
17.	A computer-aided learning method as recited in claim 1 wherein the step of determining depends on at least one characteristic, other than the job position, in the profile of the user.	See references to Andersen regarding part [F] of claim 1; Andersen at SA 04832. See references to SkillView regarding parts [B] and [F] of claim 1. See references to McGraw regarding parts [B] and [C] of claim 1.
19.	A computer-aided learning method as recited in claim 1 further comprising the step of ascertaining by the computer the learning materials.	See quotes from Andersen regarding part [A] of claim 1 and part [B] of claim 1; Andersen at SA 04850, SA 04828. See references to SkillView regarding part [B] of claim 1. See references to McGraw regarding parts [B] and [C] of claim 1. Davenport at SA 04777-04783.

3/19/03

TABLE 2
INVALIDITY CLAIM CHART: '448 PATENT

Claim No.	Claim	Prior Art
20.	A computer-aided learning method as recited in claim 19 wherein the materials ascertained depends on at least one characteristic in the profile of the user.	See references to <u>Andersen</u> regarding claim 16 and regarding claim 19. See references to <u>SkillView</u> regarding parts [B] and [F] of claim 1. See references to <u>McGraw</u> regarding parts [B] and [C] of claim 1.
21.	A computer-aided learning method as recited in claim 19 further comprising the step of presenting, by the computer, the materials to the user if, as determined by the computer, the user is interested in the learning materials.	See references to <u>Andersen</u> regarding claim 19. See references to <u>SkillView</u> regarding part [B] of claim 1; see also <u>SkillView</u> at SA 04746, SA 04748-49. See references to <u>McGraw</u> regarding parts [B] and [C] of claim 1. Davenport at SA 04777-04783.
23.	A computer-aided learning method as recited in claim 1 wherein the step of searching depends on the one or more jobs.	See references to <u>McGraw</u> regarding parts [B] and [C] of claim 1.
24.	A computer-aided learning method as recited in claim 1 wherein the information in the one or more extracted documents has at least one common structure.	See quotes from <u>Andersen</u> regarding part [A] of claim 1; <u>Andersen</u> at SA 04828. <u>SkillView</u> at SA 04755.

3/19/03

TABLE 2
INVALIDITY CLAIM CHART: '448 PATENT

Patent No. 6,126,448

Claim No.	Claim	Prior Art
32.	A computer-aided learning method as recited in claim 1 wherein: at least one document including at least one attribute, which describes that document; and the method further comprises the steps of: retrieving, by a computer, the at least one attribute of the at least one document; and categorizing, by the computer, the document based on the retrieved attribute.	Andersen at SA 04828, SA 04830-31; Hekmatpour, col. 9, lines 48-57, col. 6, lines 3-4, col. 7, lines 33-38. SkillView at SA 04755.

3/19/03

TABLE 2
INVALIDITY CLAIM CHART: '448 PATENT

		Patent No. 6,126,448
Claim No.	**Claim**	**Prior Art**
35.	[A] A computer-aided apparatus for helping a user, who is associated with a company, regarding a job in the company, based on a job position related to the user, the apparatus comprising: a retriever configured to retrieve the job position, which identifies the one or more jobs needed to be done for the job position; and	See references to Andersen and Hollingsworth regarding part [A] of claim 1. See references to SkillView regarding part [A] of claim 1. See references to McGraw regarding part [A] of claim 1. "Improving the Selection, Classification, and Utilization of Army Enlisted Personnel," by Human Resources Research Organization (1984) ("HRRO") at DT 002350, 002353. Dennis at DT 002254, 002256-57. Davenport at SA 04777-04783.
	[B] a determinator configured to determine whether learning materials should be presented to the user, with the materials helping the user learn about the one or more jobs;	See references to Andersen regarding part [B] of claim 1. See references to SkillView regarding part [B] of claim 1. See references to McGraw regarding part [B] of claim 1. Davenport at SA 04777-04783.
	[C] wherein: the company has a number of documents; at least some of the learning materials are from the company documents;	See references to Andersen regarding part [C] of claim 1. See references to SkillView regarding part [C] of claim 1. See references to McGraw regarding part [C] of claim 1.

3/19/03

TABLE 2

INVALIDITY CLAIM CHART: '448 PATENT

	Patent No. 6,126,448	
Claim No.	**Claim**	**Prior Art**
	[D] at least some of the documents are categorized;	See references to <u>Andersen</u> regarding part [D] of claim 1. See references to <u>SkillView</u> regarding part [D] of claim 1. See references to <u>McGraw</u> regarding part [D] of claim 1.
	[E] at least some of the documents are searched to extract more than one documents to be the learning materials; and	See references to <u>Andersen</u> regarding part [E] of claim 1. See references to <u>SkillView</u> regarding part [E] of claim 1. See references to <u>McGraw</u> regarding part [E] of claim 1.
	[F] at least some of the extracted documents are organized based on one or more rules to prioritize them.	See references to <u>Andersen</u> and <u>Hekmatpour</u> regarding part [F] of claim 1. See references to <u>SkillView</u> regarding part [F] of claim 1. See references to <u>McGraw</u> regarding part [F] of claim 1.
36.	A computer-aided learning apparatus as recited in claim 35 wherein: the user is the company's employee;	See referencse to <u>Andersen</u> regarding part [A] of claim 2. See references to <u>SkillView</u> regarding part [A] of claim 2. See references to <u>McGraw</u> regarding part [A] of claim 2. <u>HRRO</u> at DT 002350, 002353. <u>Dennis</u> at DT 002254, 002256-57. <u>Davenport</u> at SA 04777-04783.

-11-

TABLE 2

INVALIDITY CLAIM CHART: '448 PATENT

Patent No. 6,126,448

Claim No.	Claim	Prior Art
	the job position is related to the user; and	See references to <u>Andersen</u> regarding part [B] of claim 2. See references to <u>SkillView</u> regarding part [B] of claim 2. See references to <u>McGraw</u> regarding part [B] of claim 2. <u>HRRO</u> at DT 002350, 002353. <u>Dennis</u> at DT 002254, 002256-57. <u>Davenport</u> at SA 04777-04783.
	the materials help the user do the one or more jobs.	See references to <u>Andersen</u> regarding part [C] of claim 2. See references to <u>SkillView</u> and <u>Andersen</u> regarding part [C] of claim 2. See references to <u>McGraw</u> regarding part [C] of claim 2. <u>Dennis</u> at DT 002254, 002256-57. <u>Davenport</u> at SA 04777-04783.

-12-

3/19/03

TABLE 2

INVALIDITY CLAIM CHART: '448 PATENT

Patent No. 6,126,448

Claim No.	Claim	Prior Art
37.	A computer-aided learning apparatus as recited in claim 35 wherein the user occupies the job position.	See references to Andersen regarding claim 3. See references to SkillView regarding claim 3. See references to McGraw regarding claim 3. HRRO at DT 002350, 002353. Dennis at DT 002254, 002256-57. Davenport at SA 04777-04783.
38.	A computer-aided learning apparatus as recited in claim 35 wherein: the job position is a position in an organization chart of the company.	See references to Andersen and Hollingsworth regarding claim 4. See reference to SkillView regarding claim 4.
39.	A computer-aided learning apparatus as recited in claim 35 wherein the job position retrieved is the job position the user is interested in.	See references to Andersen regarding claim 5. See reference to SkillView regarding claim 5. See references to McGraw regarding claim 5. HRRO at DT 002350, 002353. Dennis at DT 002254, 002256-57. Davenport at SA 04777-04783.

3/19/03

TABLE 2
INVALIDITY CLAIM CHART: '448 PATENT

Patent No. 6,126,448

Claim No.	Claim	Prior Art
41.	A computer-aided learning apparatus as recited in claim 35 further comprising a presenter configured to present learning materials to the user.	McGraw at DT 001675-77, 001690-91. Davenport at SA 04777-04783.
42.	A computer-aided learning apparatus as recited in claim 35 wherein the determinator is configured to determine depending on at least a need of the company.	See references to McGraw regarding part [B] of claim 1. HRRO at DT 002350, 002353. Dennis at DT 002254, 002256-57. Davenport at SA 04777-04783.

3/19/03

TABLE 3
INVALIDITY CLAIM CHART: '556 PATENT

Patent No. 6,398,556

Claim No.	Claim	Prior Art
1.	[A] A computer-aided learning method for a user comprising the steps of: retrieving, by a first computer, materials related to the user;	<u>Arthur Andersen & Co. Industry Education Computer Based Training Strategy, Appendixes–Data Base Learning Model</u> (02/88) ("Andersen") at SA 04849-51. "CMI Guidelines for Interoperability" by AICC, Rev. 1.5 (01/26/96) ("<u>AICC, Rev. 1.5</u>") at DT 001104-06, 001111-12, 001115-17, 001130-40, 001162-80, 001345; "CMI Guidelines for Interoperability" by AICC, Rev. 2.0 (02/01/98) ("<u>AICC, Rev. 2.0</u>") at DT 001370-72, 001377-78, 001381-83, 001396-406, 001428-48. "CBT WINTRACS" (1994), published by CBT Systems ("CBT WINTRACS") at SA 05106-07; "WINTRACS" (1997), published by CBT Systems ("WINTRACS") at SA 05116-17, SA 05137. U.S. Patent 5,832,497 ("<u>Taylor</u>"), col. 4, lines 63-65. "Computer Assisted Diagnostic Prescriptive Program in Reading and Mathematics," by Wayne E. Roberson and Debra J. Glowinski (1986) ("<u>Roberson</u>") at DT 002264, 002266, 002269.

TABLE 3

INVALIDITY CLAIM CHART: '556 PATENT

Claim No.	Claim	Prior Art
	[B] permitting, by the computer, the user to access materials regarding at least one learning user if the user is an institute user, as determined based on an identifier of the user;	Andersen at SA 04850, SA 04853, SA 04855, SA 04857. AICC, Rev. 1.5 at DT 001104-06, 001111-12, 001115-17, 001130-40, 001162-80; AICC, Rev. 2.0 at DT 001370-72, 001377-78, 001381-83, 001396-406, 001428-48. CBT WINTRACS at SA 05067-69, SA 05071, SA 05074, SA 05089-93; WINTRACS at SA 05111, SA 05113. See reference to Taylor regarding part [A]. Roberson at DT 002264, 002266, 002269.
	[C] wherein if the user is the institute user, the institute user can learn about the at least one learning user in an area the institute user is interested;	See references to Andersen and AICC, Rev. 1.5 and AICC, Rev. 2.0 regarding part [B]. CBT WINTRACS at SA 05067-69, SA 05089-93; WINTRACS at SA 05113. See reference to Taylor regarding part [A].

-2-

TABLE 3
INVALIDITY CLAIM CHART: '556 PATENT

Patent No. 6,398,556

Claim No.	Claim	Prior Art
	[D] wherein the materials accessed can be retrieved by at least one of the users from another computer, which is connected to the first computer through a network; and	Andersen at SA 04850. See references to AICC, Rev. 1.5 and AICC, Rev. 2.0 regarding part [A]. CBT WINTRACS at SA 05069; WINTRACS at SA 05127, SA 01537. Taylor, col. 3, lines 8-11.
	[E] wherein the institute user pays to access materials regarding the at least one learning user; a learning user is allowed to access materials to learn; and materials on at least one of the users can be tracked and updated.	Andersen at SA 04850, SA 04853, SA 04855, SA 04857. See references to AICC, Rev. 1.5 and AICC, Rev. 2.0 regarding parts [A] and [B]. CBT WINTRACS at SA 05067-69, SA 05071, SA 05074, SA 05089-93, 05095; WINTRACS at SA 05111, SA 05113-05114. Taylor, col. 4, lines 2 and 53-60; col. 5, lines 61-62, and col. 6, lines 2-3, 26-27, and 49-50.

3/19/03

TABLE 3
INVALIDITY CLAIM CHART: '556 PATENT

Patent No. 6,398,556

Claim No.	Claim	Prior Art
2.	[A] A computer-aided learning method as recited in claim 1 further comprising the steps of: tracking, by the computer, materials regarding the user; and	See references to Andersen and AICC, Rev. 1.5 and AICC, Rev. 2.0 regarding parts [B] and [E] of claim 1. See CBT WINTRACS at SA 05067-69, SA 05089-93, SA 05095; WINTRACS at SA 05113-05114. See references to Taylor regarding parts [A] and [E] of claim 1. Roberson at DT 002264, 002266, 002269.
	[B] updating, by the computer, materials regarding the user based on the tracked materials.	See references to Andersen and AICC, Rev. 1.5 and AICC, Rev. 2.0 regarding part [E] of claim 1. CBT WINTRACS at SA 05095; WINTRACS at SA 05114. See references to Taylor regarding part [E] of claim 1: and see Taylor, col. 6, lines 24-25 and 47-48.

TABLE 3

INVALIDITY CLAIM CHART: '556 PATENT

Patent No: 6,398,556

Claim No.	Claim	Prior Art
3.	A computer-aided learning method as recited in claim 2 further comprising the step of ascertaining materials for the user to learn if the user is a learning user.	Andersen at SA 04828, SA 04849-04851. AICC, Rev. 1.5 at DT 001104-06, 001111-12, 001115-17, 001130-40, 001162-80, 001243-52, 001345; AICC, Rev. 2.0 at DT 001370-72, 001377-78, 001381-83, 001396-406, 001428-48, 001507-16. CBT WINTRACS at SA 05106-07; WINTRACS at SA 05116-17, SA 05137. Taylor, col. 4, lines 63-65, col. 6, lines 20-21 and 24-25. Roberson at DT 002264, 002266, 002269.
5.	A computer-aided learning method as recited in claim 2 wherein if the user is a learning user, the step of tracking includes tracking the user's learning activities.	See references to Andersen and AICC, Rev. 1.5 and AICC, Rev. 2.0 regarding parts [B] and [E] of claim 1. See CBT WINTRACS at 05067-69, SA 05089-93, SA 05095; WINTRACS at SA 05113-05114. See references to Taylor regarding parts [A] of claim 1 and [B] of claim 2, and see Taylor, col. 6, lines 1-2. Roberson at DT 002264, 002266, 002269, 002271.

3/19/03

TABLE 3

INVALIDITY CLAIM CHART: '556 PATENT

Claim No.	Claim	Patent No. 6,398,556 — Prior Art
7.	[A] A computer-aided learning method as recited in claim 5 wherein: the user is learning features of a product; and	Andersen at SA 04828, SA 04835, SA 04836, SA 0849-51. U.S. Patent No. 5,999,908 ("Abelow"), see abstract and also see col. 13, lines 50-52; col. 29, lines 38-31; and col. 40, lines 58-63; U.S. Patent No. 5,592,375 ("Salmon"), abstract. CBT WINTRACS at SA 05107.
	[B] the activities tracked include the one or more features the user worked on.	See references to <u>Andersen</u> regarding part [E] of claim 1. <u>Abelow</u>, abstract and col 18, lines 20-24, col. 23, lines 57-59; and col. 29, line 55 – col. 20 line 4. See CBT WINTRACS at SA 05067-69, SA 05089-93, SA 05095; WINTRACS at SA 05113-05114. See reference to <u>Taylor</u> regarding part [A] of claim 1.
8.	A computer-aided learning method as recited in claim 7 wherein the method is implemented at a Web site.	<u>Andersen</u> at SA 04850. <u>Abelow</u>, col. 87 lines 5-32. <u>Taylor</u> col. 6, lines 58-60. <u>Salmon</u>, abstract. <u>AICC</u>, Rev. 2.0 at DT 001617-37, 001639. See references regarding part [D] of claim 1.

3/19/03

TABLE 3
INVALIDITY CLAIM CHART: '556 PATENT

	Patent No. 6,398,556	
Claim No.	Claim	Prior Art
10.	A computer-aided learning method as recited in claim 2 wherein the institute user accesses the materials to identify a learning user for filling a job position.	Andersen at SA 04850, SA 04853. Taylor, abstract, col. 5, lines 43-46, 59-62, col. 4, lines 54-56, col. 4 line 63 - col. 5 line 5, col. 6, lines 35-40. "SkillView: Engineering a More Productive WorkForce," by SkillView Technologies ("SkillView") at SA 04742-47.
11.	A computer-aided learning method as recited in claim 10 further comprising the step of querying materials on learning users to identify a learning user to fill the job position based on criteria set by the institute user.	See references to Andersen, Taylor, and SkillView regarding claim 10. Taylor, col. 6, lines 1-4 and 35-37.
14.	A computer-aided learning method as recited in claim 10 wherein the method is implemented at a Web site.	See references to Andersen, Taylor, Abelow, and AICC, Rev. 2.0 regarding claim 8.
22.	A computer-aided learning method as recited in claim 2 wherein the materials to learn includes materials on features of a product introduced by an institute user.	See references to Andersen, Abelow, AICC, Rev. 1.5 and AICC, Rev. 2.0 regarding part [A] of claim 7.
23.	A computer-aided learning method as recited in claim 2 wherein the method is implemented at a Web site.	See references to Andersen, Taylor, Abelow, and AICC, Rev. 2.0 regarding claim 8.
25.	[A] A computer-aided learning apparatus for a user comprising: A retriever configured to retreive materials related to the user; and	See references regarding part [D] of claim 1. See references regarding part [A] of claim 1. "Improving the Selection, Classification, and Utilization of Army Enlisted Personnel," by Human Resources Research Organization (1984) ("HRRO") at DT 002350, 002353. Roberson at DT 002264, 002266, 002269.

3/19/03

TABLE 3
INVALIDITY CLAIM CHART: '556 PATENT

Claim No.	Claim	Patent No.: 6,398,556 Prior Art
	[B] A determinator configured to permit the user to access materials regarding at least one learning user if the user is an institute user, as determined based on an identifier of the user;	See references regarding part [B] of claim 1.
	[C] wherein the materials accessed can be retrieved by at least one of the users from another computer, which is connected to the apparatus through a network; and	See references regarding part [C] of claim 1.
	[D] wherein if the user is the institute user, the institute user can learn about the at least one learning user in an area the institute user is interested;	See references regarding part [D] of claim 1.
	[E] wherein the institute user pays to access materials regarding the at least one learning user; a learning user is allowed to access materials to learn; and materials on at least one of the users can be tracked and updated.	See references regarding part [E] of claim 1.
26.	A computer-aided learning apparatus as recited in claim 25 further comprising: a tracker configured to track materials regarding the user; and an updater configured to update materials regarding the user based on the tracked materials.	See references regarding claim 2.
27.	A computer-aided learning apparatus as recited in claim 26 further comprising a learning materials ascertainer configured to ascertain materials for the user to learn if the user is a learning user.	See references regarding claim 3.
28.	A computer-aided learning apparatus as recited in claim 27 wherein the institute user accesses the materials to identify a learning user for filling a job position.	See references regarding claim 10. HRRO at DT 002350, 002353.

TABLE 3

INVALIDITY CLAIM CHART: '556 PATENT

Patent No. 6,398,556

Claim No.	Claim	Prior Art
53.	[A] A computer-aided learning method for a user comprising the steps of: retrieving, by a first computer, materials related to the user;	See references to <u>Andersen, Taylor, AICC, Rev. 1.5 and AICC, Rev. 2.0</u> regarding part [A] of claim 1. CBT WINTRACS at SA 05106-07; WINTRACS at SA 05116-17, SA 05137.
	[B] permitting, by the computer, the user access materials regarding at least one learning user if the user is an institute user, as determined based on an identifier of the user;	See references to <u>Andersen, Taylor, AICC, Rev. 1.5 and AICC, Rev. 2.0</u> regarding part [B] of claim 1. CBT WINTRACS at SA 05067-69, SA 05071, SA 05074, SA 05089-93; WINTRACS at SA 05111, SA 05113.
	[C] wherein if the user is the institute user, the institute user can learn about the at least one learning user in an area the institute user is interested;	See references to <u>Andersen, Taylor, AICC, Rev. 1.5 and AICC, Rev. 2.0</u> regarding part [C] of claim 1. CBT WINTRACS at SA 05067-69, SA 05089-93; WINTRACS at SA 05113.
	[D] wherein the materials accessed can be retrieved by at least one of the users from another computer, which is connected to the first computer through a network;	See references to <u>Andersen, Taylor, AICC, Rev. 1.5 and AICC, Rev. 2.0</u> regarding part [D] of claim 1. CBT WINTRACS at SA 05069; WINTRACS at SA 05127, SA 05137.

3/19/03

TABLE 3
INVALIDITY CLAIM CHART: '556 PATENT

Claim No.	Claim	Prior Art
	[E] wherein the institute user pays so that materials can be accessed; wherein a learning user is allowed to access materials to learn; wherein materials on at least one of the users can be monitored and updated; and	See references to Andersen, Taylor, AICC, Rev. 1.5 and AICC, Rev. 2.0 regarding part [E] of claim 1. See references regarding part [B] of claim 53, and see CBT WINTRACS at SA 05095; WINTRACS at SA 05114.
	[H] wherein the first computer includes a Web server.	See references regarding claim 8. See references to Taylor regarding claim 23.
54.	A computer-aided learning method as recited in claim 53 wherein the learning user allowed to access materials, works for the institute user.	Andersen at SA 04850. SkillView at SA 04745, SA 04746, SA 04747, SA 04748, SA 04749, SA 04755. AICC, Rev. 1.5 at DT 001164; AICC, Rev. 2.0 at DT 001430.
56.	A computer-aided learning method as recited in claim 53 wherein at least a portion of the materials to learn depends on an attribute of the learning user allowed to access materials.	Andersen at SA 04849-51. Taylor, col. 3, lines 22-60, col. 4, lines 63-65, col. 6, lines 1-24. See references to SkillView regarding claim 54. CBT WINTRACS at SA 05106-07; WINTRACS at SA 05116-17, SA 05137. AICC, Rev. 1.5 at DT 001164; AICC, Rev. 2.0 at DT 001430.

TABLE 3
INVALIDITY CLAIM CHART: '556 PATENT

Patent No: 6,398,556

Claim No.	Claim	Prior Art
57.	A computer-aided learning method as recited in claim 53 wherein at least a portion of the materials to learn depends on an area related to the background of the learning user allowed to access materials.	See references to <u>Andersen</u>, <u>Taylor</u>, <u>SkillView</u>, <u>AICC, Rev. 1.5</u> and <u>AICC, Rev. 2.0</u> regarding claim 56.
58.	A computer-aided learning method as recited in claim 53 wherein at least a portion of the materials to learn depends on an interest of the learning user allowed to access materials.	See references to <u>Andersen</u>, <u>Taylor</u>, <u>SkillView</u>, <u>AICC, Rev. 1.5</u> and <u>AICC, Rev. 2.0</u> regarding claim 56.
59.	A computer-aided learning method as recited in claim 53 wherein at least a portion of the material to learn depends on a job of the learning user allowed to access materials.	<u>Taylor</u>, col. 3, lines 22-60. See references to <u>Andersen</u>, <u>SkillView</u>, <u>AICC, Rev. 1.5</u> and <u>AICC, Rev. 2.0</u> regarding claim 56.
60.	A computer-aided learning method as recited in claim 53 wherein the learning progress of the learning user allowed to access materials is monitored.	<u>SkillView</u> at SA 04746, SA 04756, SA 04857. See references regarding parts [A] and [B] of claim 2.
61.	A computer-aided learning method as recited in claim 60 wherein at least a portion of materials to learn depends on the learning progress of the learning user allowed to access materials.	See references to <u>Andersen</u>, <u>AICC, Rev. 1.5</u> and <u>AICC, Rev. 2.0</u> regarding claim 60. See <u>SkillView</u> at SA 04755-56.
63.	A computer-aided learning method as recited in claim 53 further comprising testing the learning user allowed to access materials.	<u>AICC, Rev. 1.5</u> at DT 001105, 001111, 001115-16, 001128, 001172-75, 001195, 001202, 001274; <u>AICC, Rev. 2.0</u> at DT 001371, 001377, 001381-82, 001394, 001438-41, 001462, 001469, 001538.
64.	A computer-aided learning method as recited in claim 53 wherein at least a portion of the materials to learn depends on an objective of the institute user.	See references to <u>Taylor</u>, <u>SkillView</u>, <u>AICC, Rev. 1.5</u> and <u>AICC, Rev. 2.0</u> regarding claim 54; and see <u>Andersen</u> at SA 04850-52, SA 04853-55.

3/19/03

TABLE 3
INVALIDITY CLAIM CHART: '556 PATENT

Patent No. 6,398,556

Claim No.	Claim	Prior Art
65.	A computer-aided learning method as recited in claim 64 wherein at least a portion of the materials to learn is modified as the objective of the institute user changes.	Andersen at SA 04850, SA 04853, SA 04854, SA 04828, SA 04835. SkillView at SA 04742-45, SA 04751-56. Taylor at col. 4, lines 33-53.
67.	A computer-aided learning method as recited in claim 53 further comprising identifying by the institute user a person to do a job depending on an objective of the institute user.	See references to Taylor regarding claims 10-11. Andersen at SA 04850, SA 04853. SkillView at SA 04742-47.
68.	A computer-aided learning method as recited in claim 53 wherein the learning user allowed to access materials is monitored, and the method further comprises identifying by the institute user that learning user to do a job based on materials regarding that learning user.	Taylor, abstract, col. 5, lines 43-46, 59-62, col. 4, lines 54-56, col. 4 line 63 – col. 5 line 5, col. 6, lines 35-40. See references to Andersen and SkillView regarding claim 67.
70.	A computer-aided learning method as recited in claim 53 further comprising searching the materials to learn, to identify materials under a title.	AICC, Rev. 1.5 at DT 001259; AICC, Rev. 2.0 at DT 001523.
72.	A computer-aided learning methods as recited in claim 53 wherein at least a portion of the materials to learn is modularized as learning objects.	Taylor, col. 3, lines 17-64. Andersen at SA 04849, SA 04850, SA 04853, SA 04857. SkillView at SA 04755. USP 5,799,292 ("Hekmatpour") col. 5, lines 7-11.

3/19/03

TABLE 3
INVALIDITY CLAIM CHART: '556 PATENT

	Patent No. 6,398,556	
Claim No.	**Claim**	**Prior Art**
73.	[A] A computer-aided learning method as recited in claim 53 wherein the learning user allowed to access materials, works for the institute user,	See references to Andersen, SkillView, AICC, Rev. 1.5 and AICC, Rev. 2.0 regarding claim 54. Hekmatpour, col. 1, lines 22-30.
	[B] wherein the method further comprises testing that learning user, and	Andersen at SA 04850, SA 04857. AICC, Rev. 1.5 at DT 001105, 001111, 001115-16, 001128, 001172-75, 001195, 001202, 001274; AICC, Rev. 2.0 at DT 001371, 001377, 001381-82, 001394, 001438-41, 001462, 001469, 001538.
	[C] wherein the learning progress of that learning user is monitored.	See references to Andersen, SkillView, AICC, Rev. 1.5 and AICC, Rev. 2.0 regarding claim 60.
74.	[A] A computer-aided learning method as recited in claim 73 wherein at least a portion of the materials to learn depends on an objective of the institute user, and	See references to Andersen, AICC, Rev. 1.5 and AICC, Rev. 2.0 regarding claim 64. Taylor, col. 3, lines 43-55, col. 4, lines 33-53. SkillView at SA 04745, SA 04746, SA 04747, SA 04748, SA 04749, SA 04755, SA 04756.
	[B] wherein at least a portion of the materials to learn is from the institute user.	See references to Andersen, Taylor, SkillView, AICC, Rev. 1.5 and AICC, Rev. 2.0 regarding part [A] of claim 74.

3/19/03

TABLE 3

INVALIDITY CLAIM CHART: '556 PATENT

Patent No.: 6,398,556

Claim No.	Claim	Prior Art
77.	[A] A computer-aided learning method as recited in claim 74 wherein at least a portion of the materials to learn is modularized as learning objects,	See references to Andersen, Taylor, SkillView, and Hekmatpour regarding claim 72.
	[B] wherein at least a portion of the materials to learn depends on a job of that learning user, and	See references to Andersen, Taylor, SkillView, AICC, Rev. 1.5 and AICC, Rev. 2.0 regarding claims 56-59.
	[C] wherein at least a portion of materials to learn depends on that learning user's learning progress.	See references to Andersen, SkillView, AICC, Rev. 1.5 and AICC, Rev. 2.0 regarding claims 60-61.
78.	A computer-aided learning method as recited in claim 77 further comprising identifying by the institute user a person to do a job depending on an objective of the institute user.	See references to Andersen, Taylor, and SkillView regarding claim 67. HRRO at DT 002350, 002353
79.	A computer-aided learning method as recited in claim 74 further comprising identifying by the institute user a person to do a job depending on an objective of the institute user; wherein at least a portion of the materials to learn depends on a job of that institute user.	See references to Andersen, Taylor, and SkillView regarding claims 56, 59, and 67. HRRO at DT 002350, 002353.
80.	[A] A computer-aided learning method as recited in claim 73 wherein at least a portion of the materials to learn is modularized as learning objects,	Andersen at SA 04849, SA 04850, SA 04853, SA 04857; Taylor, col. 3, lines 17-64; SkillView at SA 04755; Hekmatpour col. 5, lines 7-11.
	[B] wherein at least a portion of the materials to learn is for a customer of the institute user to learn, and	See reference to Abelow regarding part [A] of claim 7.

TABLE 3
INVALIDITY CLAIM CHART: '556 PATENT

		Patent No. 6,398,556
Claim No.	Claim	Prior Art
	[C] wherein at least a portion of the materials to learn, depends on a job of that learning user.	See references to <u>Andersen, Taylor, SkillView, AICC, Rev. 1.5</u> and <u>AICC, Rev. 2.0</u> regarding claims 56 and 59.
82.	[A] A computer-aided learning method as recited in claim 73	See references to <u>Andersen, SkillView, Hekmatpour, AICC, Rev. 1.5</u> and <u>AICC, Rev. 2.0</u> regarding claim 73 part [A].
	[B] wherein at least a portion of the materials to learn depends on an interest of that learning user, and	See references to <u>Andersen, Taylor, SkillView, AICC, Rev. 1.5</u> and <u>AICC, Rev. 2.0</u> regarding claim 56.
	[C] wherein at least a portion of the materials to learn depends on a job of that learning user.	See references to <u>Andersen, Taylor, SkillView, AICC, Rev. 1.5</u> and <u>AICC, Rev. 2.0</u> regarding claim 56.
84.	[A] A computer-aided learning method as recited in claim 73 wherein at least a portion of the materials to learn is for a customer of the institute user to learn,	See reference to <u>Abelow</u> regarding part [A] of claim 7.
	[B] wherein at least a portion of the materials to learn depends on an interest of that learning user, and	See reference to <u>Abelow</u> regarding part [A] of claim 7. Also see references to <u>Taylor, Andersen,</u> and <u>SkillView</u> regarding claim 56.
	[C] wherein at least a portion of the materials to learn depends on an area related to the background of that learning user.	See references to <u>Taylor, Andersen,</u> and <u>SkillView</u> regarding claim 56.

3/19/03

[39996-0001/BY030760.122]